

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

NORMAN ERIC SIMMONS,
Plaintiff,

v.

REGENCY LEASING L.L.C., *et al.*,
Defendants.

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CIVIL ACTION H-12-1512

ORDER


Having reviewed the Magistrate Judge's Memorandum and Recommendation dated November 6, 2013 (Dkt. 79), to which plaintiff Norman Eric Simmons ("Simmons") did not object, the court is of the opinion that the Memorandum and Recommendation should be adopted by this court in its entirety.

Therefore, it is **ORDERED** that the Memorandum and Recommendation (Dkt. 79) is hereby **ADOPTED** by this court. Defendants Regency Leasing, L.L.C., Morris Malka, Jennifer Nackab, and Arie Nysbaum's 12(b)(2) motion to dismiss (Dkt. 69) is **GRANTED**; defendant Jennifer Nackab's 12(b)(6) motion to dismiss (Dkt. 70) is **DENIED AS MOOT**; and defendant Arie Nysbaum's 12(b)(6) motion to dismiss (Dkt. 71) is **DENIED AS MOOT**.

Further, the Memorandum and Recommendation invited Simmons to show good cause for his failure to serve defendants Worldclass Motorsports Corp., Pure Motoring Group, L.L.C., Blak on Blak Enterprises, Inc., County of Los Angeles Sheriff's Department Headquarters, Gerald Redmond, Chuvalo Ferrell, Executive Luxury Rental, L.L.C., Mark Hamilton, Mike Anderson, Harris County District Attorney, and the City of Houston within 120 days after the filing of the complaint as required by Federal Rule of Civil Procedure 4(m). Simmons has not presented proof that these defendant have been properly served or otherwise shown good cause for his failure to

serve. Therefore, defendants Worldclass Motorsports Corp., Pure Motoring Group, L.L.C., Blak on Blak Enterprises, Inc., County of Los Angeles Sheriff's Department Headquarters, Gerald Redmond, Chuvalo Ferrell, Executive Luxury Rental, L.L.C., Mark Hamilton, Mike Anderson as the Harris County District Attorney, and the City of Houston are **DISMISSED** without prejudice.

Signed at Houston, Texas on November 26, 2013.



Gray H. Miller
United States District Judge